



MEMORANDUM OF UNDERSTANDING

This Supplemental Memorandum of Understanding ("MOU") is entered into as of the date shown below by and between the COWLITZ INDIAN TRIBE, a federally recognized Indian tribe ("Tribe"), and CLARK COUNTY, a political subdivision of the State of Washington ("County").

1. The parties mutually agree that the MOU between the County and the Tribe Dated February 10, 2004, attached to this agreement is not a joint or cooperative action contemplated by 39.34 RCW, the Interlocal Cooperation Act.
2. The parties further agree that the State of Washington may not require the Cowlitz Tribe to enter into agreements pursuant to 39.34 RCW. However, should a court determine that the attached MOU must comply with the provisions of RCW 39.34, the parties agree as follows:
3. Duration. It is the intent of the parties that the February 10, 2004, agreement between the County and the Tribe shall remain in effect as long as Tribal trust or reservation land exists in Clark County.
4. There is no separate organization, board, or entity created except as contemplated in Section 12.1, the Cowlitz Education and Art Fund or a committee created pursuant to the provisions of the State Gaming Compact to administer the local impact mitigation fund.
5. The purpose of the agreement is set forth in Section 1.5 of the February 10, 2004, MOU.
6. Since there is no joint or cooperative undertaking contemplated manner of financing and maintaining a budget, therefore it is not applicable.
7. Termination. The agreement shall terminate if the federal government withdraws trust or reservation status on properties located in Clark County.
8. The parties do not anticipate the acquisition of joint real or personal property except those funds that may accumulate pursuant to the provisions of 12.1 or from the Gaming Compact Mitigation Fund.
9. Any administration of the contract shall be between the Tribal Chairman and Chairman of the Board of County Commissioners and it will be controlled by the dispute resolution provision of Section 14 of the February 10, 2004, MOU.



DATED this 2 day of March, 2004.

ATTEST:

Joanna Richards
Clerk to the Board

BOARD OF COMMISSIONERS FOR
CLARK COUNTY, WASHINGTON

By: *Betty Sue Morris*
Betty Sue Morris, Chair

Approved as to form only:
ARTHUR D. CURTIS
Prosecuting Attorney

Curt Wyrick
Curt Wyrick, WSBA #6918
Chief Deputy

By: *Judie Stanton*
Judie Stanton, Commissioner

By: *Craig Fridemore*
Craig Fridemore, Commissioner

COWLITZ INDIAN TRIBE

John Barnett
John Barnett, Tribal Chairman

ATTEST: *Nancy Boone*
Tribal Secretary